

REMARKS

This Application has been carefully reviewed in light of the Office Action dated April 19, 2007 ("*Office Action*"). At the time of the *Office Action*, Claims 1-88 were pending in the Application. In the *Office Action*, the Examiner rejects Claims 1-88. Applicants amend Claims 1, 22, 23, 36, 44, 45, and 67-87 and cancel Claim 88. Applicants add new Claim 89 to replace Claim 88. As described below, Applicants believe all claims to be allowable over the cited references. Therefore, Applicants respectfully request reconsideration and full allowance of all pending claims.

I. Section 101 Rejections

The Examiner rejects Claim 67-88 under 35 U.S.C. § 101 as the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner states that "the claims are intended to embrace both product or machine and process is precluded by language of 35 U.S.C. § 101." (*Office Action*, pages 2-3). Applicants have amended Claims 67-87 and canceled Claim 88 to address the issues identified by the Examiner. For example, independent Claim 67 as amended recites a "system for managing a plurality of computers" that includes "a plurality of network computers" and "a managing computer coupled to the network computers by a network." Applicants submit that Claims 67-87, as amended, recite statutory subject matter and are in compliance with 35 U.S.C. § 101.

For at least these reasons, Applicants respectfully request that the 35 U.S.C. § 101 rejection of Claims 67-88 be withdrawn.

II. Section 112 Rejections

The Examiner rejects Claims 67-88 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that "the claims which purport to be both product or machine and process are ambiguous and therefore do not particularly point out and distinctly claim subject matter of the invention." (*Office Action*, page 3). As discussed above, Applicants have amended Claims 67-87 and

canceled Claim 88 to address the issues identified by the Examiner. For example, independent Claim 67 as amended recites a “system for managing a plurality of computers” that includes “a plurality of network computers” and “a managing computer coupled to the network computers by a network.” Applicants submit that Claims 67-87, as amended, are in compliance with 35 U.S.C. § 112, second paragraph.

For at least these reasons, Applicants respectfully request that the 35 U.S.C. § 112, second paragraph rejection of Claims 67-88 be withdrawn.

III. Section 102 Rejections

The Examiner rejects 1-12, 16, 21-34, 38, 43-56, 60, 65-78, 82, and 87-88 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,742,829 issued to Davis et al. (“*Davis*”). In this Response to Office Action, Applicants cancel Claim 88 and add new Claim 89 to replace Claim 88. For the reasons discussed below, Applicants respectfully request reconsideration and allowance of Claims 1-12, 16, 21-34, 38, 43-56, 60, 65-78, 82, 87, and 89.

A. Claims 1-12, 16, 21, 23-34, 38, 43, 45-56, 60, 65, 67-78, 82, and 87

Independent Claim 1 of the present Application, as amended, recites:

A method for managing a plurality of computers, at least one of the plurality of computers associated with a user having a user characteristic, comprising:

receiving selection information from a network administrator, the selection information comprising a user characteristic associated with a user of at least one of the plurality of network computers;

receiving management information from the network administrator;

selecting at least one of the plurality of computers based on the selection information; and

modifying the at least one selected computer based on the management information.

Thus, Claim 1 recites receiving both “selection information” and “management information” from the network administrator. Claim 1 further recites that the selection information comprises “a user characteristic associated with a user of at least one of the plurality of network computers.” Applicants respectfully submit that *Davis* does not disclose, teach, or suggest this combination of features and operations.

With regard to both of Applicants’ steps of “receiving selection information” and “receiving management information,” the Examiner states that *Davis* discloses the claim elements “through “Logon Script Invoked (502)” or “Input From Administrator (403).” (*Office Action*, pages 4-5). Applicants note that the cited portions of *Davis* refer to two distinct and independent embodiments of the software installation system of *Davis*. In one, program files on a client system are updated only after administrator input is received. In the other, program files on a client system are updated automatically.

According to the first embodiment, “the steps [are] performed by the site configuration manager.” (*Davis*, Column 10, lines 42-43). The site configuration manager is an element of the client server. (*Davis*, Column 6, lines 22-37; Figure 3A). Specifically, *Davis* discloses:

The site configuration manager, upon startup, copies all of the software to be installed on clients to the client servers within a domain. In addition, the site configuration manager is utilized by the administrator of the distributed system in order to alter the program list that identifies programs that are installed on clients within a domain.

(*Davis*, Column 10, lines 44-50). Thus, the site configuration manager identifies software and programs to be added or deleted to the clients on a client-by-client basis. As used in *Davis*, “client” and “client computer” refers to a computer that utilizes another computer (“server computer”) to gain access to network services.” (*Davis*, Column 3, lines 27-30).

“After copying the client software, the site configuration manager waits until receiving administrator input (step 403). (*Davis*, Column 10, lines 66-67). With respect to this “administrator input,” *Davis* discloses:

In this step, the site configuration manager waits until receiving input from the administrator indicating whether to add a program to a program list within the domain initialization file or whether to remove a program from the program list. In other words, the input indicates whether an additional program should be loaded onto the clients of a domain or whether a program that currently runs on the clients of a domain should be removed from the clients.

(*Davis*, Column 11, lines 1-8). As used in *Davis*, “domain” refers to “a grouping of computers and contains two client servers 212 and 216, which are connected to client computers 214, 218, and 220.” (*Davis*, Column 5, lines 62-65). Thus, the administrator input referred to in *Davis* is limited to an indication as to whether a program should be added or deleted from a grouping of clients. There is no indication in *Davis*, however, that the administrator input “comprises a user characteristic associated with a user of at least one of the plurality of network computers,” as recited in Claim 1. Accordingly, the described embodiment of *Davis*, as relied upon by the Examiner, does not “[receive] selection information **from a network administrator**, the selection information comprising **a user characteristic** associated with a user of at least one of the plurality of network computers,” as recited in Claim 1.

The second described embodiment of *Davis* (identified by the Examiner to be analogous to Applicants’ recited operations) “automatically installs software on client computers, as well as deinstalls (or deletes) software from client computers when the client computers logon to their respective client server.” (*Davis*, Column 11, lines 33-37). In the *Office Action*, the Examiner identifies this logon process as being analogous to Applicants’ step of “receiving selection information **from a network administrator**, the selection information comprising **a user characteristic** associated with a user of at least one of the plurality of network computers,” as recited in Claim 1. However, *Davis* specifically states that “the logon script is invoked when the end user of the client

computer attempts to logon to the client server (step 502).” (*Davis*, Column 11, lines 43-47). Thus, the logon process of *Davis* relates to an end user and is not “from a network administrator,” as recited in Claim 1.

Additionally, the configuration information for the current user as cited by the Examiner is also not received “from a network administrator.” Rather, the configuration information is information stored in “a hierarchically structured tree, with each node of the tree referred to as a key.” (*Davis*, Column 12, lines 19-21). “The HKEY_USERS standard handle contains configuration information of the local computer and user configuration information for the current user.” (*Davis*, Column 12, lines 39-41). There is no disclosure, teaching, or suggestion that the configuration information disclosed in *Davis* is received “from a network administrator,” as recited in Claim 1.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 1, together with Claims 2-12, 16, and 21 that depend on Claim 1.

The Examiner also relies on *Davis* to reject independent Claims 23, 45, and 67, which recite certain features and operations that are analogous to those discussed above with regard to Claim 1. For example, Claim 23 recites “code for receiving selection information from a network administrator, the selection information comprising a user characteristic associated with a user of at least one of the plurality of network computers.” As another example, Claim 45 recites “receive selection information from a network administrator, the selection information comprising a user characteristic associated with a user of at least one of the plurality of network computers.” Claim 67 recites “a managing computer . . . operable to . . . receive selection information from a network administrator, the selection information comprising a user characteristic associated with a user of at least one of the plurality of network computers.” Accordingly, for reasons similar to those discussed above with regard to Claim 1, Applicants respectfully submit that *Davis* does not disclose, teach, or suggest the features recited in Applicants’ Claims 23, 45, and 67.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 23, 45, and 67 together with Claims 24-34 38, 43 that depend on Claim 23, Claims 45-56, 60, and 65 that depend on Claim 45, and Claims 68-78, 82, and 87 that depend on Claim 67.

B. Claims 22, 44, 66, and 89

Because *Davis* does not disclose, teach, or suggest each and every element of at least Applicants' independent claims, Applicants respectfully submit that Claims 22, 44, 66, and 89 are allowable.

For example, *Davis* does not disclose, teach, or suggest "searching in a database for the selection information to identify management information associated with the selection information, the management information comprising a policy applicable to a particular user," as recited in Claim 22. In the *Office Action*, the Examiner states that the logon script invoked by *Davis* is analogous to Applicants' selection information "comprising a user characteristic." The Examiner also identifies the "domain initialization file" of *Davis* as being analogous to Applicants "database" and the "program list" as being analogous to Applicants' "management information." (*Office Action*, pages 5-6). *Davis* merely discloses, however:

The logon script 348 is invoked by the client to logon to the client server. Therefore, the logon script 348 is responsible for requesting the client server to perform user password validation and the logon script performs other functionality associated with the logon process. After logging on, the "LAN MANAGER" 344 network operating system provides network services to the client. As part of the processing of the logon script 348, the logon script invokes the SMSLS batch file 352. The SMSLS batch file 352 actually has a number of copies, with each copy specific to one or more operating systems . . . The client setup executable 354 is invoked by the SMSLS batch file 352 to install software onto the client computer. The client setup executable 354 accesses the domain initialization file 356 to retrieve a current list of software ("the program list") to be loaded onto the client and utilizes the copy list 358 to load the software. The program list is used by the preferred embodiment to determine whether software

should be loaded or deleted from clients. When the administrator determines to alter (i.e., add to or delete from) the software currently loaded on the clients within a domain, the administrator instructs the site configuration manager, which is responsible for modifying the program list in the domain initialization file.

(*Davis*, Column 8, line 62 through Column 9, line 19). Thus, the logon script is merely used to validate a user and to initiate the update process. The SMSLS batch file is specific to the operating system and not the user. Further, the site configuration manager identifies software and programs to be added or deleted to the clients in a domain. As used in *Davis*, “client” and “client computer” refers to a computer that utilizes another computer (“server computer”) to gain access to network services.” (*Davis*, Column 3, lines 27-30). “Domain” refers to “a grouping of computers and contains two client servers 212 and 216, which are connected to client computers 214, 218, and 220.” (*Davis*, Column 5, lines 62-65). As such, *Davis* does not disclose, teach, or suggest “searching in a database for the selection information to identify management information associated with the selection information, the management information comprising a policy applicable to a particular user,” as recited in Claim 22. For analogous reasons, *Davis* also does not disclose, teach, or suggest “modifying the computer from which the selection information was received based on the policy applicable to the user,” as also recited in Claim 22.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 22.

The Examiner also relies on *Davis* to reject independent Claims 44 and 66, which recite certain features and operations that are analogous to those discussed above with regard to Claim 22. For example, Claim 44 recites “code for searching in a database for the selection information to identify management information associated with the selection information, the management information comprising a policy applicable to a particular user” and “code for modifying the computer from which the selection information was received based on the policy applicable to the user.” As another example, Claim 66 recites instructions for causing a computer to “search in a database for the selection information

to identify management information associated with the selection information, the management information comprising a policy applicable to a particular user” and “modify the computer from which the selection information was received based on the policy applicable to the user.” Accordingly, for reasons similar to those discussed above with regard to Claim 22, Applicants respectfully submit that *Davis* does not disclose, teach, or suggest the features recited in Applicants’ Claims 44 and 66.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 44 and 66. For analogous reasons, Applicants respectfully request consideration and allowance of new Claim 89, which has been added to correspond with now canceled Claim 88.

IV. Section 103 Rejections

The Examiner rejects 13-15, 17-20, 35-37, 39-42, 57-59, 61-64, 79-81, and 83-86 under 35 U.S.C. § 103(a) as being unpatentable over various combinations of *Davis* with U.S. Patent No. 5,933,647 issued to Aronberg et al. (“*Aronberg*”), “SMS 2 Administration,” SAMS, February 2000, by Lubanski and Doshi (“*Lubanski*”), and “Windows 2000 Active Directory,” SAMS, February 2000, by Brovick, Hauger, and Wade (“*Brovick*”).

Dependent Claims 13-15 and 17-20 depend upon independent Claim 1, which Applicants have shown above to be allowable. Dependent Claims 35-37 and 39-42 depend upon independent Claim 23, which Applicants have shown above to be allowable. Dependent Claims 57-59 and 61-64 depend upon independent Claim 45, which Applicants have shown above to be allowable. Dependent Claims 79-81 and 83-86 depend upon independent Claim 67, which Applicants have shown above to be allowable. Accordingly, dependent Claims 13-15, 17-20, 35-37, 39-42, 57-59, 61-64, 79-81, and 83-86 are not obvious over the various combinations of references relied upon by the Examiner at least because Claims 13-15, 17-20, 35-37, 39-42, 57-59, 61-64, 79-81, and 83-86 include the

limitations of their respective independent claims. Since Claims 13-15, 17-20, 35-37, 39-42, 57-59, 61-64, 79-81, and 83-86 incorporate the limitations of their respective independent claims, Applicants have not provided detailed arguments with respect to Claims 13-15, 17-20, 35-37, 39-42, 57-59, 61-64, 79-81, and 83-86. However, Applicants remain ready to do so if it becomes appropriate. Applicants respectfully request reconsideration and allowance of Claims 13-15, 17-20, 35-37, 39-42, 57-59, 61-64, 79-81, and 83-86.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 13-15, 17-20, 35-37, 39-42, 57-59, 61-64, 79-81, and 83-86.

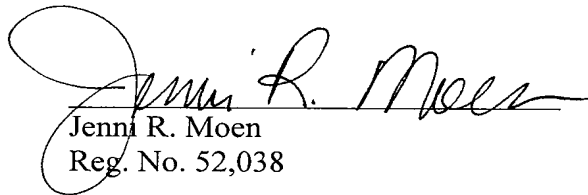
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Jenni R. Moen, Attorney for Applicants, at the Examiner's convenience at (214) 953-6809.

Applicants believe that no fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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